

Appl. No. : 10/584,968  
Filed : 30-Jun-2006

### REMARKS

In the Office Action, Claims 14-24, 36-44, 47 and 49-51 were rejected over the prior art as discussed below. In this Amendment, Claims 14 and 37 have been amended, Claims 52-58 have been added, and Claim 36 has been canceled. Accordingly, Claims 14-24, 37-44, 47, and 49-58 remain pending for further consideration.

#### Double Patenting Rejection

Claim 36 was objected to in the Office Action under 37 CFR 1.75 as being a mere duplicate of Claim 1. Applicant notes that Claim 1 was previously canceled. Applicant presumes that the Examiner's objection is based on Claim 14. However, Claim 36 has been canceled herein and therefore, this objection is moot.

#### Rejections Under 35 U.S.C. § 112

Claims 14-24, 36-44, 47, and 49-51 were rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description. In particular, the Examiner suggests that the limitations related to side wall openings in between adjacent fronds constitutes new matter "since the side walls [sic] openings of the fronds in the original disclosure does not receive the stent deployment device." Office Action at 3.

Applicant respectfully traverses. For example, these limitations are described in the Specification in connection with Figure 27 (shown below).

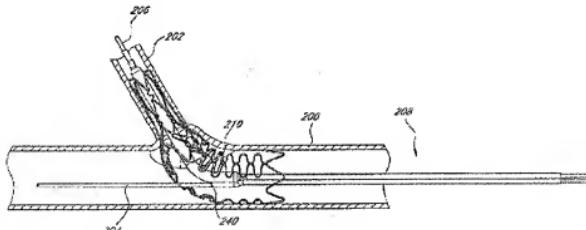


FIG. 27

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The Specification also describes, for example, at ¶ [0220] in the application as published:

[0220] Following deployment of the stent and deflation of the balloon as illustrated in FIG. 25, the main vessel guidewire 204 may be distally advanced into the main vessel beyond the bifurcation, in between the two adjacent fronds. See, FIG. 26.

The guidewire is used to advance an expansion device to expand a main vessel stent, in various techniques. For example, the Specification also describes at ¶ [0222] in the application as published:

[0222] Following distal advance of the main vessel guidewire 204 into the main vessel distally of the bifurcation, the catheter 208 may be proximally withdrawn from the treatment site leaving the main vessel guidewire 204 in place. The catheter 208 may be removed from the main vessel guidewire 204 as is understood in the rapid exchange catheter practices, and a secondary catheter may be advanced down the main vessel guidewire such as to dilate an opening between the fronds into the main vessel beyond the bifurcation and/or deploy a second stent at the bifurcation as has been discussed herein.

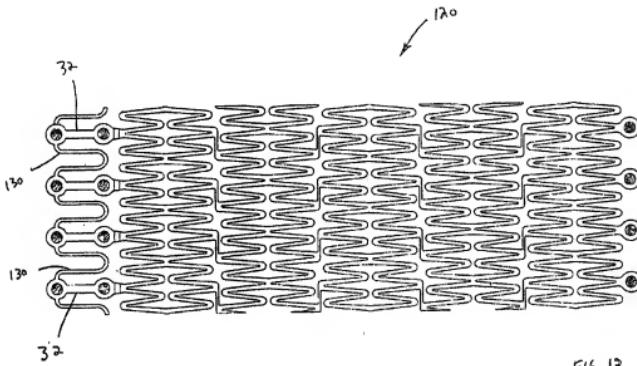
In view of these and other teachings in the Application, Applicant requests that this rejection be withdrawn.

Rejections Under 35 U.S.C. § 102 and/or 103

Claims 14-16, 21, 22, and 36 were rejected in the Office Action under 35 U.S.C. § 103(a) as being obvious over U.S. Publication No. 2004/0254627 to Thompson et al. (Thompson). Applicant does not agree with this rejection and specifically traverses the Examiners assertions as to the configuration of the “struts or cantilever members 32”, which the Examiner asserts disclose the limitation:

at least two elongate, flexible fronds each having a first end, a second end and *an axially extending undulating elongate portion having a plurality of crests and troughs* between the first and second ends, at least a portion of the elongate portion comprising *a plurality of spaced apart filaments having crests and troughs extending in-phase* the fronds extending from an end of the support and configured to be positioned across the Os and into the main body lumen;

At least the bolded structural language is not met by the straight cantilever member 32 of Thompson. Figure 13 shows the cantilever members 32 as follows:



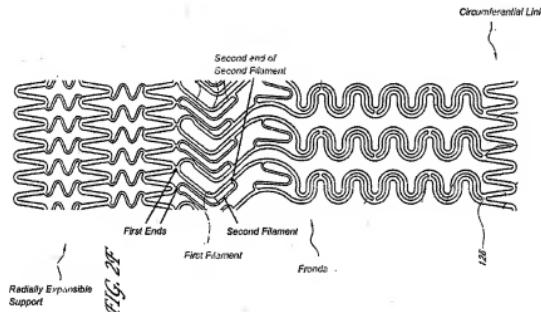
The cantilever members 32 lack, for example, "undulating portions" that extend axially. Rather these members are straight, non-undulating members.

In addition, Claim 14 has been amended to recite a prosthesis for placement at an opening from a main body lumen to a branch body lumen, the prosthesis comprising, *inter alia*;

at least two elongate, flexible fronds extending from an end of the support, each frond having a first end, a second end, and an axially elongate portion having a plurality of crests and troughs between the first and second ends, the axially elongate portion comprising first and second spaced apart filaments each having first and second ends, the first end of the first filament being directly connected to a first proximal apex of the radially expandible support, the first end of the second filament being directly connected to a second proximal apex of the radially expandible support, the first proximal apex being spaced apart from the second proximal apex, the second end of the second filament being coupled with the first filament at a location between the first and second ends of the frond, the fronds extending from an end of the support and configured to be positioned across the opening and into the main body lumen;

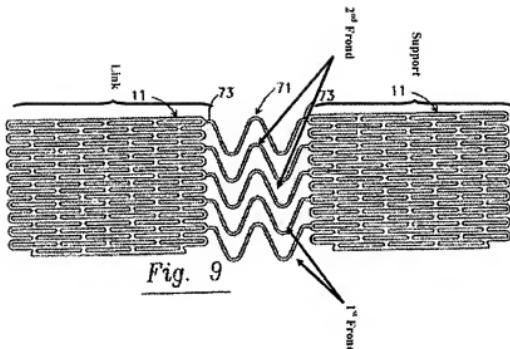
At least these limitations are not taught or suggested by Thompson. In particular, the straight "cantilever members 32" have a base end 34 "integrally connected to the main body 22" and a "free end 36". There is no direct connection of multiple filaments between the ends of the cantilever members anywhere along the length thereof.

In contrast, these features are described in connection with one non-limiting embodiment in Figure 2F of the present Application, reproduced below with labels:



For at least these reasons, Claim 14 is not obvious in view of and in fact distinguishes over Thompson. Claims 15-16, 21, and 22 which depend from Claim 1 distinguish over Thompson for at least these reasons. Applicant request that the rejection of these claims based on Thompson be withdrawn.

Claims 14-18, 23, 24, 36, 43, 44, and 47 were rejected in the Office Action under 35 U.S.C. § 102(b) as being anticipated by or, in the alternative, under 35 U.S.C. § 103(a) as being obvious over U.S. Patent No. 5,755,781 issued to Jayaraman (Jayaraman) in view of U.S. Patent No. 6,485,509 issued to Killion et al. (Killion). The Examiner relies upon the embodiment of Jayaraman illustrated in Figure 9, as modified in the Office Action on Page 9 (reproduced below).



Killion is relied upon to show "a stent which has varying radial force along the length of the vessel." Office Action at 8. Without addressing what Killion describes, Applicant notes that Claim 14 now recites, *inter alia*:

at least two elongate, flexible fronds extending from an end of the support, each frond having a first end, a second end, and an axially elongate portion having a plurality of crests and troughs between the first and second ends, *the axially elongate portion comprising first and second spaced apart filaments each having first and second ends, the first end of the first filament being directly connected to a first proximal apex of the radially expandable support, the first end of the second filament being directly connected to a second proximal apex of the radially expandable support, the first proximal apex being spaced apart from the second proximal apex, the second end of one of the second filament being coupled with the first filament at a location between the first and second ends of the frond, the fronds extending from an end of the support and configured to be positioned across the opening and into the main body lumen;*

This arrangement is not taught or suggested by Jayaraman. Jayaraman's "vertically spaced interconnectors 71" are connected to "adjacent pieces 11" by "short lateral sections 73". Nowhere does Jayaraman teach or suggest coupling multiple vertically spaced interconnectors 71 together. To the contrary, these structures are described as "vertically spaced" and as "resemble[s] a 'W'". Jayaraman 5:17-23. Moreover, they are required to be "flexible and resilient". Id. These properties would be diminished by directly coupling together ends of the "spaced apart interconnectors 71". According, such a modification would be contrary to the intended purpose of and in fact would frustrate

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the purpose of the “spaced apart interconnectors 71”. Such a modification would be contrary to the teachings of Jayaraman, which is to maximize flexibility between the “adjacent pieces 11”. *See, e.g.* Jayaraman 2:26; 5:22-23; and 6:5.

The asserted teachings of Killion referred to by the Examiner all relate to the relative force at opposite ends of a stent and do not appear to be related to interconnectors. Thus, Killion apparently does not suggest a modification to the teachings of Jayaraman.

In view of the foregoing, Applicant requests that Claim 14 be allowed over Jayaraman and Killion. Claims 15-18, 23, 24, 43, 44, and 47 all depend from Claim 14 and thus also are allowable over Jayaraman and Killion in view of the arguments set forth above and the further limitations of these claims.

Claims 19, 21, 22, 37-42, and 49-51 were rejected in the Office Action under 35 U.S.C. § 103(a) as being obvious over Jayaraman in view of Killion and further in view of U.S. Publication No. 2002/0183763 to Callol et al. (Callol) or U.S. Patent No. 5,342,387 issued to Summers et al. (Summers) and, in some cases, U.S. Publication No. 2004/0106985 to Jang (Jang). Callol is relied upon as disclosing making a circumferential link opaque (Claims 21 and 22) and aspects of a drug coating (Claims 37-41 and 49). Jang is also relied upon in connection with drug coating (Claims 42 and 50-51). Summers is relied upon as describing lubricious coatings (19).

Without addressing the specifics of these combinations, Applicant notes that these assertions about Callol and Jang do not make up for the shortcomings of Jayaraman and Killion discussed above in connection with Claim 14. Because Claims 21, 22, 37-42, and 49-51 depend from Claim 14, these claims are allowable for at least the same reason that Claim 14 is allowable. Applicant requests that Claims 19, 21, 22, 37-42 and 49-51 be allowed.

#### New Claims

New claims 52-58 have been added to further recite Applicant's invention and do not add new matter. Allowance of these claims is respectfully requested.

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Co-Pending Applications of Assignee

Applicant wishes to draw to the Examiner's attention to the following co-pending applications of the present application's assignee.

Serial Number	Docket No.	Title	Filed
11/076,448	ANVIL.001CP1	VASCULAR BIFURCATION PROSTHESIS WITH MULTIPLE THIN FRONDS	09-Mar-2005
11/190,514	ANVIL.001CP2	METHOD OF TREATING A LUMENAL BIFURCATION	27-Jul-2005
11/249,138	ANVIL.001CP3	METHOD OF TREATING A LUMENAL BIFURCATION	12-Oct-2005
11/603,338	ANVIL.001CP4	HELICAL OSTIUM SUPPORT FOR TREATING VASCULAR BIFURCATIONS	21-Nov-2006
11/744,796	ANVIL.1BNPC1	PROSTHESIS AND DEPLOYMENT CATHETER FOR TREATING VASCULAR BIFURCATIONS	04-May-2007
11/744,812	ANVIL.1BNPC2	PROSTHESIS FOR TREATING VASCULAR BIFURCATIONS	04-May-2007
11/744,802	ANVIL.1BNPC3	KIT FOR TREATING VASCULAR BIFURCATIONS	04-May-2007
10/965,230	ANVIL.003A	DELIVERY SYSTEM FOR PLACEMENT OF PROSTHESIS AT LUMINAL OS	13-Oct-2004
11/781,201	ANVIL.003DV1	PROSTHESIS FOR PLACEMENT AT A LUMINAL OS	20-Jul-2007
11/781,164	ANVIL.003DV2	SYSTEM FOR DELIVERING A PROSTHESIS TO A LUMINAL OS	20-Jul-2007
12/362,300	ANVIL.1CP2DV1	VASCULAR BIFURCATION PROSTHESIS WITH MULTIPLE LINKED THIN FRONDS	29-Jan-2009
12/362,342	ANVIL.1CP3DV1	STEPPED BALLOON CATHETER FOR TREATING VASCULAR BIFURCATIONS	29-Jan-2009

No Disclaimers or Disavowals

Although the present communication may include alterations to the application or claims, or characterizations of claim scope or referenced art, Applicant is not conceding in this application that previously pending claims are not patentable over the cited

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references. Rather, any alterations or characterizations are being made to facilitate expeditious prosecution of this application. Applicant reserves the right to pursue at a later date any previously pending or other broader or narrower claims that capture any subject matter supported by the present disclosure, including subject matter found to be specifically disclaimed herein or by any prior prosecution. Accordingly, reviewers of this or any parent, child or related prosecution history shall not reasonably infer that the Applicant has made any disclaimers or disavowals of any subject matter supported by the present application.

### **CONCLUSION**

For the foregoing reasons, it is respectfully submitted that the rejections set forth in the outstanding Office Action are inapplicable to the present claims. Accordingly, issuance of a Notice of Allowance is most earnestly solicited.

Applicant respectfully traverses each of the Examiner's rejections and each of the Examiner's assertions regarding what the prior art shows or teaches. Although amendments have been made, no acquiescence or estoppel is or should be implied thereby. Any arguments in support of patentability and based on a portion of a claim should not be taken as founding patentability solely on the portion in question; rather, it is the combination of features or acts recited in a claim which distinguishes it over the prior art.

The undersigned has made a good faith effort to respond to all of the rejections in the case and to place the claims in condition for immediate allowance. Nevertheless, if any undeveloped issues remain or if any issues require clarification, the Examiner is respectfully requested to call Applicant's attorney, Andrew M. Douglas at (949) 721-7623 to resolve such issue(s) promptly.

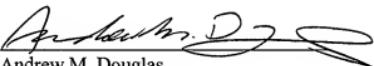
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Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR

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